

AMENDED IN ASSEMBLY APRIL 24, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1683

Introduced by Assembly Member Pavley

**(Coauthors: Assembly Members ~~Frommer, Levine, and Plescia~~
Calderon, Chavez, Frommer, Koretz, Levine, Mullin, and Plescia)**

(Coauthors: Senators Kuehl and Soto)

February 21, 2003

An act to amend Section 1596.859 of, and to add Section 1596.817 to, the Health and Safety Code, relating to child day care.

LEGISLATIVE COUNSEL'S DIGEST

AB 1683, as amended, Pavley. Child day care: licensing report.

Under existing law, the State Department of Social Services licenses and regulates child day care facilities in accordance with specified requirements. Willful or repeated violation of child day care facility requirements is a misdemeanor.

Existing law requires every licensed child day care facility to make accessible to the public a copy of any licensing report pertaining to the facility that documents a facility visit or a substantiated complaint investigation.

Existing law permits a licensed child day care facility to make available to the general public a licensing report or other appropriate document verifying compliance or noncompliance with a department's order to correct a deficiency.

This bill would, instead, require that the licensee make this documentation available to the public.

This bill would require each licensed child day care facility to post a copy of any of these licensing reports or verifying documents immediately upon receipt, ~~and in a prominent and visible place on, or immediately adjacent to, the interior side of the main door to the facility.~~ It would require the report to remain posted for ~~10~~ 30 consecutive business days. This bill would provide that failure to comply with this posting requirement will result in a civil penalty, as specified.

This bill would also require the department to post ~~in a visible place in on, or immediately adjacent to, the interior side of the main door into the facility~~ a notice *relating to a site visit conducted by the department that includes the date of the site visit, and a person in the department who may be contacted would be required to include specified information.*

Because this bill would impose additional requirements on licensed child day care facilities, thus creating a new crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1596.817 is added to the Health and
- 2 Safety Code, to read:
- 3 1596.817. When the department conducts a site visit of a
- 4 licensed child day care facility, the department shall post ~~in a~~
- 5 ~~visible place in the facility~~ a notice *that includes all of the on, or*
- 6 *immediately adjacent to, the interior side of the main door into the*
- 7 *facility a notice, written in at least 14-point type, that includes all*
- 8 *of the following:*
- 9 (a) The date of the site visit.
- 10 (b) *Whether the facility was cited for violating any state*
- 11 *standards or regulations as a result of the site visit.*

1 (c) *Whether the facility is required to post the site visit report*
2 *pursuant to subparagraph (B) of paragraph (1) of subdivision (a)*
3 *and subdivision (c) of Section 1596.859.*

4 (d) The date that the site visit report ~~should~~ *is required to be*
5 *posted pursuant to subparagraph (B) of paragraph (1) of*
6 *subdivision (a) and subdivision (c) of Section 1596.859.*

7 ~~(e)~~

8 (e) *A statement explaining that copies of the site visit report*
9 *may be obtained by contacting the department and the telephone*
10 *number to call in order to obtain a copy of the site visit report.*

11 (f) The name and telephone number of a person in the
12 department who may be contacted for further information *about*
13 *the site visit report.*

14 SEC. 2. Section 1596.859 of the Health and Safety Code is
15 amended to read:

16 1596.859. (a) (1) (A) Each licensed child day care facility
17 shall make accessible to the public a copy of any licensing report
18 pertaining to the facility that documents a facility visit or a
19 substantiated complaint investigation. An individual report shall
20 not be required to be maintained beyond three years from the date
21 of issuance, and shall not include any information that would not
22 have been accessible to the public through the State Department
23 of Social Services Community Care Licensing Division.

24 (B) (i) Each licensed child day care facility shall post a copy
25 of any licensing report pertaining to the facility that documents
26 *either a facility visit that results in a citation against the facility for*
27 *a violation of any state standards or regulations or a substantiated*
28 *complaint investigation. The licensing report shall be posted*
29 *immediately upon receipt, in a prominent and visible place, on, or*
30 *immediately adjacent to, the interior side of the main door to the*
31 *facility and shall remain posted for 10 consecutive business 30*
32 *consecutive days.*

33 (ii) Failure to comply with clause (i) shall result in a civil
34 penalty of ~~one hundred dollars (\$100)~~ *fifty dollars (\$50)* per day
35 for each day the required posting does not occur.

36 (2) (A) Every child care resource and referral program
37 established pursuant to Article 2 (commencing with Section 8210)
38 of Chapter 2 of Part 6 of the Education Code, and every alternative
39 payment program established pursuant to Article 3 (commencing
40 with Section 8220) of Chapter 2 of Part 6 of the Education Code

1 shall advise every person who requests a child care referral of his
2 or her right to the licensing information of a licensed child day care
3 facility required to be maintained at the facility pursuant to this
4 section and to access any public files pertaining to the facility that
5 are maintained by the State Department of Social Services
6 Community Care Licensing Division.

7 (B) A written or oral advisement in substantially the following
8 form will comply with the requirements of subparagraph (A):

9 “State law requires licensed child day care facilities to make
10 accessible to the public a copy of any licensing report pertaining
11 to the facility that documents a facility visit or a substantiated
12 complaint investigation. In addition, a more complete file
13 regarding a child care licensee may be available at an office of the
14 State Department of Social Services Community Care Licensing
15 Division. You have the right to access any public information in
16 these files.”

17 (b) Within 30 days after the date specified by the department
18 for a licensee to correct a deficiency, the department shall provide
19 the licensee with a licensing report or other appropriate document
20 verifying compliance or noncompliance. Notwithstanding any
21 other provision of law, and with good cause, the department may
22 provide the licensee with an alternate timeframe for providing the
23 licensing report or other appropriate document verifying
24 compliance or noncompliance. If the department provides the
25 licensee with an alternate timeframe, it shall also provide the
26 reasons for the alternate timeframe, in writing. The licensee shall
27 make this documentation available to the public.

28 (c) (1) The licensee shall post a licensing report or other
29 appropriate document verifying the licensee’s compliance or
30 noncompliance with the department’s order to correct a
31 deficiency. The licensing report or other document shall be posted
32 immediately upon receipt, ~~in a prominent and visible place, on, or~~
33 *immediately adjacent to, the interior side of the main door into the*
34 *facility* and shall be posted for a period of ~~10 consecutive business~~
35 *30 consecutive* days.

36 (2) Failure to comply with paragraph (1) shall result in a civil
37 penalty of ~~one hundred dollars (\$100)~~ *fifty dollars (\$50)* per day
38 for each day the required posting does not occur.

39 SEC. 3. No reimbursement is required by this act pursuant to
40 Section 6 of Article XIII B of the California Constitution because

1 the only costs that may be incurred by a local agency or school
2 district will be incurred because this act creates a new crime or
3 infraction, eliminates a crime or infraction, or changes the penalty
4 for a crime or infraction, within the meaning of Section 17556 of
5 the Government Code, or changes the definition of a crime within
6 the meaning of Section 6 of Article XIII B of the California
7 Constitution.

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